

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-95-142-43
	}	CIVIL ACTION NO. H-03-3861
FEDERICO PEREZ, JR.,	}	
<i>Defendant-Petitioner</i>	}	

MEMORANDUM AND ORDER

Presently before the Court are Petitioner Federico Perez Jr.'s "Motion to Eliminate Enhancements and Reduce Sentence" (Doc. 5574 & 5590); the Government's response and motion to dismiss (Doc. 5664); Petitioner's reply (Doc. 5670); and the Magistrate Judge's Memorandum and Recommendation (Doc. 5668). After carefully considering the record and the applicable law, the Court concludes that the Government's motion to dismiss should be **GRANTED** and that Petitioner's "Motion to Eliminate Enhancements and Reduce Sentence" should be **DISMISSED WITHOUT PREJUDICE**. The Court adopts the Magistrate Judge's Memorandum and Recommendation in full.

SIGNED at Houston, Texas, this 27th day of September, 2006.


MELINDA HARMON
UNITED STATES DISTRICT JUDGE